REMARKS

By this amendment, Claims 1, 3-7, 9, 18 and 20, as amended remain in the application.

At the outset, Applicant's attorney wishes to thank the Examiner for the courtesies extended during the recent telephone conversation regarding the rejection. Pursuant thereto and for the reasons discussed hereinbelow, Applicant respectfully submits that by virtue of the present amendment the application has now been placed in condition for allowance.

The above-identified Office Action has been reviewed and the references carefully considered. In view hereof, the present amendment is submitted. It is contended that by the present amendment all bases of rejection set forth in the Office Action are traversed and overcome. Accordingly, reconsideration and withdrawal of the rejection is respectfully requested and/or entry of this amendment for purposes of appeal is respectfully requested.

Claim Rejections 35 U.S.C. 103

Applicant submits that the claims presented herein define patentably over the prior art of record herein for the reasons set forth hereinafter

Claim Amendments

Pursuant to the interview and the submittal to the Examiner, claim 1 has been amended to more succinctly define the invention. Specifically, claim 1 now recites that the method requires at least two days of administration of the combination within prescribed amounts. Furthermore, the claim has also been

amended to define the method by which each of the components are administered, namely, the leukotriene inhibitor and the antihistamine or orally ingested and the corticosteroid is administered as a nasal spray. It is submitted that this amendment to claim 1 renders claim 1 and the claims dependent therefrom patentably distinct over the art of record.

Similarly, claim 18 has been amended in substantially the same manner and, therefore, it is believed that claim 18 has now been rendered patentably distinct from the art of record.

In the Office Action, the Examiner has rejected claims 1, 3, 5, 7, 18 and 19 under 35 U.S.C. 103 as being unpatentable over Fleisch and Chang in further interview of Weinstein, references of record.

At the outset, it is submitted that the amendment to the claims comport with what was discussed during the course of the interview. The Examiner has requested that the claims be presented in a formal amendment and this is being achieved herein.

In any event, though, turning the rejection, per se, and as previously pointed out Fleisch teaches a specific leukotriene which is used to iritis. According to the reference, the composition can be administered in any manner which is deemed medically acceptable by the treating physician. However, the reference is totally silent as to combining this compound administering it with any other type of medicament. Furthermore, the reference is silent as to how long the treatment is to continue as contrasted with the present invention which requires a minimum of two

days. Furthermore, the reference is totally silent as to the reduction is C-reactive protein in this system to improve vision. The reference only teaches the use of the leukotriene to overcome an infection of iritis not an inflammation of the eye caused by high C-reactive protein levels.

It is submitted that the Chang reference is also distinct herefrom in that it pertains to a topically applied ophthalmic composition, i.e. loratadine. The reference again is silent as to being combined with any other compositions for reducing C-reactive protein levels in order to improve vision. As noted, the reference is silent as to how long the treatment is to last; is silent as to combining it with any other compositions; is silent as to the amount of dosage to be treated and does not in any manner suggest oral ingestion.

The Weinstein reference is directed to a composition, i.e. an antihistamine for reducing rhinitis which is a nasal passage inflammatory. The reference is totally silent about the effectiveness of the antihistamine in connection with the vision of a user in combination of the other two components of the composition hereof, namely, the leukotriene inhibitor and the corticosteroid.

In this regard it is respectfully submitted that the Examiner has assembled the mosaic of references and combined them without any suggestion or intimation in any one of them as to the ability to be used conjointly in the treatment of lowering C-reactive protein levels in the body of a user to improve the vision and in the dosages recited and the mode by which administration is achieved. Thus, it is believed that the references, as combined, simply do not teach the invention as set

forth in the presently amended claims and, specifically, claims 1, 3, 4, 5, 6, 7 and 18. Thus, it is believed as to these claims it is respectfully requested that the rejection be withdrawn.

The Examiner rejects the claims on the same basis but then adds thereto claims 8 and 9 by citing Down and Dal Negro, references of record. It is submitted that the same arguments urged above apply equally herein. Again, while there is nothing in the additional two references which would even remotely suggest the ability thereof to be combined with the other references in order to achieve the present invention as set forth in the now amended claims.

It should particularly be pointed out that with respect to Dal Negro, it is a combination of salmeterol and fluticasone that provides the control. Here, the treatment is one which "consists essentially of" and therefore would exclude the salmeterol.

Finally, Down pertains to a montelukast as a leukotriene inhibitor. However, the reference is absolutely silent about its pharmacological compatibility with anything else; is totally silent about using it for two days to reduce C-reactive protein levels as well as its ability to improve the vision in a user by lowering C-reactive protein levels. It is solely a teaching about the use of montelukast sodium in the treatment of asthma.

It is submitted that in retrospect the Examiner has assembled what has been euphemistically referred to hereinbefore as "a mosaic of references" in an attempt to negate patentability herein. It is further submitted that the Examiner has

interposed the present teachings of the instant application in order to defeat patentability. There is simply nothing in the art that would have suggested to one of ordinary skill in the art at the time of the making of the invention that a combination of drugs, when administered for at least two days and in the manner prescribed, could reduce C-reactive protein levels in the body of a user in order to improve the vision thereof. Nothing in the art suggests this. Thus, it is submitted that it has been shown that the present invention as set forth in the now amended claims is patentably distinct from the art of record. Accordingly, it is respectfully requested that the rejections be withdrawn.

Oath/Declaration

Applicant hereby submits a corrected "Supplemental" Declaration which shows a change to the filing date of Provisional Application No. 60/461,534 and has been properly initialed.

Conclusion

It is respectfully submitted by this amendment that all bases of rejection and objection have been traversed and overcome and thus, it is contended that the application has now been placed in a condition for allowance. A notice to this effect is, therefore, respectfully requested.

Alternatively, it is submitted that the issues have been simplified for purposes of appeal and entry of this Amendment for that purpose is requested.

If the Examiner feels that prosecution of this application can be expedited, then she is courteously requested to place a telephone call to the Applicant's attorney at the number listed below.

Respectfully submitted,

Dated: March 20, 2009

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